

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**Case No. 15-CR-88**

**ALVERNEST KENNEDY, JR.,**

**Defendant.**

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**ORDER ON DEFENDANT'S REQUEST FOR AN EVIDENTIARY HEARING**

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After two rounds of briefing on the preliminary question of whether the defendant should be granted an evidentiary hearing, on the totality of the record before me, I find that there are sufficient material facts in dispute warranting an evidentiary hearing. Though the amended motion does not expound much on the first motion, it does specifically highlight the contested facts: whether the defendant was speeding and whether he ran a stop sign. Therefore, an evidentiary hearing is granted on the issue of the basis for the stop of the defendant's vehicle.

**THEREFORE, IT IS HEREBY ORDERED** that the defendant's request for an evidentiary hearing is **GRANTED**. The Clerk of Court's office shall contact the parties to schedule an evidentiary hearing at the first available date.

Dated at Milwaukee, Wisconsin this 1<sup>st</sup> day of July, 2015.

BY THE COURT

*s/Nancy Joseph*  
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NANCY JOSEPH  
United States Magistrate Judge